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EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/991,934

Applicant(s)

ITAKURA, MASAYUKI

Examiner

Melody M. Burch

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/24/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9, 10, 12, 14 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 11, 13, 15, 16 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the opening side end portion 9e having a holder portion for holding a support shaft as claimed in lines 5-6 of claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Examiner notes that it is the elastic wall portion 9b that has the holder portion 9a as labeled in figure 1A.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 2-16 are objected to because of the following informalities:

- maintain* - The phrase "a chassis" in line 3 of claim 2 should be changed to --the chassis-- to clearly refer back to the previously claimed chassis;
- The "resin portion" claimed in line 4 of claim 6 should be clearly distinguished from the resin portion at the vibration preventing damper of claimed in line 4 of claim 2.

Claims 3-5 and 7-16 are objected to due to their dependency from claim 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

delete Re: claim 21. The phrase "the viscous fluid" in line 3 lacks proper antecedent basis in the claim.

Re: claim 23. The phrase "the lid member yet isolated from the chassis" in line 4 from the bottom is unclear. It is unclear to the Examiner as to which element is isolated from the chassis. The claim language should be reworded to clearly identify the element that is isolated from the chassis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-9147537. JP-9147537 shows in figure 1 a vibration preventing damper and chassis assembly comprising a chassis 2; and a vibration preventing damper 3 attached to the chassis as an integral construction without mechanical fasteners as disclosed in line 3 of the advantage section of the English abstract submitted with this Action.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art figure 6c in view of JP-9147537.

Re: claims 1, 17, and 18. Prior art figure 6c shows a vibration preventing damper forming method for supporting in a vibration proof manner a mechanical chassis 3,3d provided with a non-contact reading mechanism 2 for a disc recording medium in a floating manner within a casing 1 comprising the steps of: forming, of a resin, as disclosed in line 1 of pg. 3 an opening side end portion of a damper housing 5e having a holder portion 5a in the form of a container opened at one end for holding a support shaft 3d provided in one of the casing and a mechanical chassis and an elastic wall portion 5b that may reduce a floating movement of a support shaft due to elastic deformation in three-dimensional directions and a vibration preventing damper forming portion of any one of the casing and the mechanical chassis, mounting the damper housing to the vibration damper forming portion, but does not show the mounting taking place by integrally forming the vibration preventing damper with the any one of the casing and the mechanical chassis without using mechanical fasteners.

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JP-9147537 teaches in figure 1 and in lines 1-3 of the advantage section of the English abstract mailed with this Action the method of integrally forming a vibration preventing damper 3 with one of a casing and a mechanical chassis, or particularly the mechanical chassis 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the connection of the damper 5 to the mechanical chassis 3,3d of Prior art figure 6c to have been an integral connection without using mechanical fasteners, as taught by JP-9147537, in order to improve the efficiency of assembly work of the disc unit.

Examiner also notes that in *In re Larson*, 340 F.2d 965,968,144 USPQ 347,349 (CCPA 1965) the court held that the use of a one piece construction instead of several parts rigidly secured together as a single unit is a matter of obvious engineering choice.

Re: claim 2. Prior art figure 6c shows a mechanical chassis 3 including a non-contact reading mechanism 2 for a disc recording medium and a vibration preventing damper 5 attached on the chassis supported in a floating condition through the vibration preventing damper within a casing 1, comprising a resin portion 5d at the vibration preventing damper 5 forming a portion of the chassis via element 5e, but does not disclose that the holder portion is formed of resin and does not show the damper being formed integrally with the chassis without using mechanical fasteners.

JP-9147537 teaches in figure 1 and in lines 2-3 of the solution section of the abstract provided with the IDS the limitation of all of the portions of the damper being made of resin and teaches in lines 1-3 of the advantage section of the English abstract included with this Action the limitation of integrally forming a vibration preventing

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damper 3 with a mechanical chassis 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the all of the portions of the damper of the prior art to have been made of resin, as taught by JP-9147537, in order to provide a material with a satisfactory bending elastic rate to improve damping efficiency. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the connection of the damper 5 to the mechanical chassis 3,3d of Prior art figure 6c to have been an integral connection without using mechanical fasteners, as taught by JP-9147537, in order to improve the efficiency of assembly work of the disc unit.

Examiner also notes that in *In re Larson*, 340 F.2d 965,968,144 USPQ 347,349 (CCPA 1965) the court held that the use of a one piece construction instead of several parts rigidly secured together as a single unit is a matter of obvious engineering choice. Examiner notes that prior art figure 6c, as modified, teaches the limitation wherein an opening side end portion made of a resin material of the damper housing is provided with a holder portion shown above 5e in a form of a container opened at one end for inserting a support shaft 3d provided in the casing (as shown in figure 6c the shaft is located in or within the boundaries of the casing 1) and an elastic wall portion 5b for reducing floating movement of the support shaft due to elastic deformation in three-dimensional directions is fixed to the resin portion. See prior art figure 6c.

Re: claims 3 and 4. Prior art figure 6c shows a hole shown in the area of the line associated with element number 5f capable of communicating air between an inside and an outside of the vibration preventing damper being formed in any portion of the

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vibration preventing damper forming portion in at least one of the vibration preventing damper and the chassis, or particularly the damper. Prior art figure 6c also shows viscous fluid 5f.

9. Claims 9, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art figure 6c in view JP-9147537 as applied to the appropriate claims above, and further in view of WIPO 99/36909 (using US Patent 6310853 to Ito as an English equivalent).

Re: claim 9. Prior art figure 6c describes the invention substantially as set forth above, but does not specifically disclose the limitation wherein the chassis as a whole is formed of a resin material or a metal material.

Ito teaches in col. 14 lines 24-30 the use of the chassis as a whole being formed of a resin material or a metal material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the chassis of Prior art figure 6c, as modified, to have been formed as a whole of a resin material or a metal material, in view of the teachings of Ito, in order to provide a desired degree of toughness and durability of the chassis structure as best determined by application requirements.

Re: claim 14. Prior art figure 6c describes the invention substantially as set forth above including the limitation of the chassis comprising a portion in which the non-contact reading mechanism 2 is provided as shown and a resin portion 5d in which a vibration preventing damper forming portion is included. Figure 6c, as modified, teaches the damper forming portion being formed integrally with the portion as set forth

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above, but does not specifically disclose the limitation wherein the chassis portion is metal.

Ito teaches in col. 14 lines 24-30 the use of the chassis as a whole being formed of a resin material or a metal material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the chassis of Prior art figure 6c, as modified, to have been formed as a whole of a metal material, in view of the teachings of Ito, in order to provide a desired degree of toughness and durability of the chassis structure as best determined by application requirements.

Re: claim 19. Figure 6c shows the vibration preventing damper 5 including a damper housing having an elastic wall portion formed with an internal agitating sleeve shown near 5e and a circumferential wall portion 5d, a viscous fluid 5f contained in the vibration preventing damper and in contact with the internal agitating sleeve, but does not disclose the thermoplastic elastomer and resin material of the damper or the resin material of the chassis.

JP-9147537 teaches in figure 1 an in lines 2-3 of the solution section of the abstract provided with the IDS the limitation of all of the portions of the damper being made of thermoplastic elastomer resin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the portions of the damper of Prior art figure 6c to have been made of thermoplastic elastomer resin, as taught by JP-9147537, in order to provide a material with a satisfactory bending elastic rate to improve damping efficiency.

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Ito teaches in col. 14 lines 24-30 the use of the chassis as a whole being formed of a resin material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the chassis of Prior art figure 6c, as modified, to have been formed of resin material, in view of the teachings of Ito, in order to provide a desired degree of toughness and durability of the chassis structure as best determined by application requirements.

10. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-9147537 in view of Prior art figure 6c.

Re: claims 1 and 2. JP-9147537 shows a vibration preventing damper forming method for supporting in a vibration proof manner a mechanical chassis 2 and a casing 1 comprising the steps of: forming, of a resin, as disclosed in lines 2-3 of the solution section of the English abstract submitted with the IDS an opening side end portion of a damper housing 3 having a holder portion holding element 4 in the form of a container opened at one end for holding a support shaft 4 provided in one of the casing and a mechanical chassis and an elastic wall portion that may reduce a floating movement of a support shaft due to elastic deformation in three-dimensional directions and a vibration preventing damper forming portion of any one of the casing and the mechanical chassis, mounting the damper housing to the vibration damper forming portion by integrally forming the vibration preventing damper with the any one of the casing and the mechanical chassis without using mechanical fasteners as shown in figure 1 and disclosed in lines 1-3 of the advantage section of the English abstract

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submitted with this Office Action, but does not disclose the limitation of the chassis being provided with a non-contact reading mechanism.

Prior art figure 6c teaches in the figure the use of a mechanical chassis 3 being provided with a non-contact reading mechanism 2 for a disc recording medium in a floating manner within a casing 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the chassis of the disc drive unit of JP-9147537 to have included a non-contact reading mechanism, as taught by prior art figure 6c, in order to provide an efficient and reliable means of processing data stored on a disc.

Re: claim 3. JP-9147537 shows in figure 1 a hole in which element 4 is positioned, the hole being capable of communicating air between an inside and an outside of the vibration preventing damper being formed in any portion of the vibration damper forming portion in at least one of the vibration preventing damper and the chassis, or particularly the damper.

11. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-9147537 in view of Ito and Prior art figure 6c.

Re: claims 19 and 20. JP-9147537 shows in figure 1 a vibration preventing damper including a damper housing 3 having an elastic wall portion formed with an internal agitating sleeve shown surrounding element 4 within the hole in element 1 and fabricated from a thermoplastic elastomer as disclosed in line 3 of the solution section of the IDS English abstract, a circumferential wall portion shown above the agitating sleeve in the area of the hole associated with element 2 fabricated from resin as

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disclosed in line 3 of the solution section of the IDS English abstract and integrally formed with the elastic wall portion as shown and a fluid contained in the vibration preventing damper and in contact with the internal agitating sleeve, the chassis being integrally connected to the circumferential wall portion to form a unitary structure with the vibration preventing damper as disclosed in the advantage section of the English abstract submitted with this Action, but does not disclose that the chassis is fabricated from resin or that the fluid contained in the damper is a viscous fluid.

Ito teaches in col. 14 lines 24-30 the use of the chassis as a whole being formed of a resin material or a metal material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the chassis of JP-9147537, to have been formed as a whole of a resin material, in view of the teachings of Ito, in order to provide a desired degree of toughness and durability of the chassis structure as best determined by application requirements.

Prior art figure 6c teaches the use of a damper containing a viscous fluid 5f. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the fluid of JP-9147537 to have included a viscous fluid, as taught by Prior art figure 6c, in order to provide a means of increasing the damping capacity of the vibration preventing damper.

Re: claims 21 and 22. JP-9147537, as modified, teaches the limitation wherein the damper includes a lid member 4 connected to the circumferential wall portion and the chassis via the elastic wall portion and other intervening portions, the lid member

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sealing the viscous fluid in the vibration preventing damper. See figure 1 of JP-9147537.

12. Claims 1, 2, 4, 5, 7, 9, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6324153 to Furukawa et al. in view of Prior art figure 6c and JP-9147537.

Re: claims 1, 2 and 9. Furukawa et al. show in figure 23A a mechanical chassis 143 and a vibration preventing damper 367 attached on the chassis supported in a floating condition through the vibration preventing damper within a casing 171, comprising a resin portion at the vibration preventing damper forming a portion of the chassis since the entire chassis is made of resin as disclosed in col. 15 line 28, wherein an opening side end portion made of the damper housing provided with a holder portion in the form of a container opened at one end for inserting a support shaft 181 provided in the casing and an elastic wall portion for reducing floating movement of the support shaft due to elastic deformation in three-dimensional directions is fixed to the resin portion, but does not include the limitation of the non-contact reading mechanism, does not include the limitation of the damper housing being made of a resin material, and does not include the limitation of the damper being formed integrally with the chassis without using mechanical fasteners.

Prior art figure 6c teaches in the figure the use of a mechanical chassis 3 being provided with a non-contact reading mechanism 2 for a disc recording medium in a floating manner within a casing 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the chassis of the disc drive

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unit of Furukawa et al. to have included a non-contact reading mechanism, as taught by prior art figure 6c, in order to provide an efficient and reliable means of processing data stored on a disc.

JP-9147537 teaches in figure 1 an in lines 2-3 of the solution section of the abstract provided with the IDS the limitation of all of the portions of the damper being made of resin material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the portions of the damper of Furukawa et al. to have been made of resin material, as taught by JP-9147537, in order to provide a material with a satisfactory bending elastic rate to improve damping efficiency.

JP-9147537 teaches in lines 1-3 of the advantage section of the English abstract included with this Action the limitation of integrally forming a vibration preventing damper 3 with a mechanical chassis 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the connection of the damper to the mechanical chassis of Furukawa et al. to have been an integral connection without using mechanical fasteners, as taught by JP-9147537, in order to improve the efficiency of assembly work of the disc unit.

Re: claim 4. Furukawa et al. show in figure 23A the limitation wherein the holder portion of the damper housing is formed as a bottomed agitating shaft portion for holding the inserted support shaft provided in the casing and viscous fluid 369 for giving an agitating resistance due to viscous fluidization to the agitating shaft portion that

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moves in accordance with movement of the support shaft is provided within an interior of the vibration preventing damper.

Re: claims 5 and 10. Furukawa et al. show in figure 23A the limitation wherein a through hole is formed in the vibration preventing damper forming portion of a resin chassis 143, the opening side end portion of the damper housing is fixed to a hole edge of the through hole on one surface side (or the side of the bottom surface) of the resin chassis, and a lid member 366 made of a resin material as disclosed in col. 24 lines 10-11 for closing the through hole (Examiner notes that portions 366c of the lid 366 partially close the through hole as broadly claimed) is fixed to the hole edge of the through hole (via element 367) in the other surface side (or the side of the top surface) of the resin chassis.

Re: claims 7 and 12. Furukawa et al. show in the figures on the front of the patent the limitation wherein a through hole through which the damper housing may be inserted is provided in the vibration preventing damper forming portion of a resin chassis 62A, an outward flange 267 is provided on the opening side end portion of the damper housing 163, under the condition that the one side surface of the outward flange comes in contact with a hole edge of the through hole, the damper housing is fixed to the resin chassis and a lid member 268 made of a resin material for closing the opening side end portion of the damper housing is fixed via intervening elements to the other side surface of the outward flange.

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Allowabl Subj ct Matt r

13. Claims 6, 8, 11, 13, 15, 16, and 23 would be allowable if rewritten to overcome the objections as applied to claims 6, 8, 11, 13, 15, and 16 and the rejection(s) under 35 U.S.C. 112, second paragraph, as applied to claim 23 as set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Upon further review, Examiner notes that a resin portion is added to the through hole region of a metal chassis in order to facilitate the connection of the resin damper to the metal chassis. Upon further review, one of ordinary skill in the art would not have been motivated to modify the resin chassis of Furukawa et al. with a metal chassis having a resin portion in the area of the through hole in order to facilitate the connection of the chassis to a resin damper since the chassis of Furukawa et al. is already made of a resin material.

Response to Arguments

14. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. In order to complete the record, it should be noted that no conflict appears to presently exist between the subject matter defined by the instant claims and the subject matter of the claims of applicant's and/or assignee's US Patent 6439551 to Kato has been made of record. Accordingly, no double patenting rejection is entered into the instant application. See MPEP 804+ concerning double patenting type of rejections, if

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necessary. Applicant and/or assignee should maintain this clear line of patentable distinction between the instant claims and the claims of the indicated patent application.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

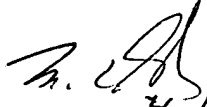
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 3/31/03
mmb
March 31, 2003


4-1-2003
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310